

STATE OF INDIANA
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
PUBLIC NOTICE NO. 20230519 – IN0025801 – D
DATE OF NOTICE: MAY 19, 2023
DATE RESPONSE DUE: JUNE 19, 2023

The Office of Water Quality proposes the following NPDES DRAFT PERMIT:

MINOR – MODIFICATION

NORTH LIBERTY WWTP, Permit No. IN0025801, ST. JOSEPH COUNTY, 201 Rizek Drive, North Liberty, IN. This Minor Municipal facility discharges 0.18 million gallons daily of treated sanitary wastewater into the Potato Creek via Outfall 001, located at GPS coordinates 41° 32' 12" N, 86° 26' 09" W. Final sludge is hauled off-site to landfill. This Permit modification was requested to remove the aluminum limit per RPE. Permit Manager: Jay Hanko, 317/232-5114, agates1@idem.in.gov. Posted online at <https://www.in.gov/idem/public-notice/>.

PROCEDURES TO FILE A RESPONSE

Draft can be viewed or copied (10¢ per page) at IDEM/OWQ NPDES PS, 100 North Senate Avenue, (Rm 1203) Indianapolis, IN, 46204 (east end elevators) from 9 – 4, Mon - Fri, (except state holidays). A copy of the Draft Permit is on file at the local County Health Department. Please tell others you think would be interested in this matter. For your rights & responsibilities see these sites: Public Notices: <https://www.in.gov/idem/public-notice/>; Citizen Guide: <https://www.in.gov/idem/resources/citizens-guide-to-idem/>. Please tell others whom you think would be interested in this matter.

Response Comments: The proposed decision to issue a permit is tentative. Interested persons are invited to submit written comments on the Draft permit. All comments must be postmarked no later than the Response Date noted to be considered in the decision to issue a Final permit. Deliver or mail all requests or comments to the attention of the Permit Writer at the above address, (mail code 65-42 PS).

To Request a Public Hearing:

Any person may request a Public Hearing. A written request must be submitted to the above address on or before the Response Date noted. The written request shall include: the name and address of the person making the request, the interest of the person making the request, persons represented by the person making the request, the reason for the request and the issues proposed for consideration at the Hearing. IDEM will determine whether to hold a Public Hearing based on the comments and the rationale for the request. Public Notice of such a Hearing will be published in at least one newspaper in the geographical area of the discharge and sent to anyone submitting written comments and/or making such request and whose name is on the mailing list at least 30 days prior to the Hearing.



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We Protect Hoosiers and Our Environment.

100 N. Senate Avenue • Indianapolis, IN 46204
(800) 451-6027 • (317) 232-8603 • www.idem.IN.gov

Eric J. Holcomb
Governor

Brian C. Rockensuess
Commissioner

May 19, 2023

VIA ELECTRONIC MAIL

Mr. Randy Lemert, President
Town Council of North Liberty
300 South Main Street, P.O. Box 515
North Liberty, Indiana 46654

Dear Mr. Lemert:

Re: Draft Modification NPDES Permit No. IN0025801
North Liberty Wastewater Treatment Plant
Saint Joseph County

Your request for permit modification, submitted April 24, 2023, has been reviewed and processed in accordance with rules adopted under 327 IAC 5. Enclosed is the draft modification of NPDES Permit No. IN0025801 which applies to the discharge from the North Liberty Wastewater Treatment Plant (WWTP). The enclosed Pages 1, 5, 7, 13, 24, 25, and 38 of 59 are intended to replace the corresponding pages in the facility's current permit.

Pursuant to IC 13-15-5-1, IDEM will publish the draft permit document online at <https://www.in.gov/idem/public-notices/>. Additional information on public participation can be found in the "Citizens' Guide to IDEM", available at <https://www.in.gov/idem/resources/citizens-guide-to-idem/>. A 30-day comment period is available in order to solicit input from interested parties, including the general public.

Please review this document carefully and become familiar with the proposed terms and conditions. Comments concerning the draft permit should be submitted in accordance with the procedure outlined in the enclosed public notice form. If you have any questions concerning this modification, please contact Jay Hanko at 317/233-0704 or Jhanko@idem.IN.gov.

Sincerely,

Leigh Voss, Chief
Municipal NPDES Permits Section
Office of Water Quality

Enclosures

cc: Lysle (Skip) Davidson, Jr., Certified Operator
Stephanie E. Cerling, P.E.

STATE OF INDIANA
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
AMENDED AUTHORIZATION TO DISCHARGE UNDER THE
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

In compliance with the provisions of the Federal Water Pollution Control Act, as amended, (33 U.S.C. 1251 et seq., the "Clean Water Act") or (CWA), and IDEMs authority under IC 13-5, the Indiana Department of Environmental Management (IDEM) is issuing this permit to the

TOWN OF NORTH LIBERTY

hereinafter referred to as "the permittee." The permittee owns and/or operates the **Town of North Liberty Wastewater Treatment Plant**, a minor municipal wastewater treatment plant located at 201 Rizek Drive, North Liberty, Indiana, St. Joseph County. The permittee is hereby authorized to discharge from the outfalls identified in Part I of this permit to receiving waters named Potato Creek in accordance with the effluent limitations, monitoring requirements, and other conditions set forth in the permit. This permit may be revoked for the nonpayment of applicable fees in accordance with IC 13-18-20.

The permit, as issued on May 7, 2020, is hereby amended as contained herein. The amended provisions shall become effective on _____. All terms and conditions of the permit not modified at this time remain in effect. Further, any existing condition or term affected by the modifications will remain in effect until the modified provisions become effective.

This permit and authorization to discharge, as amended, shall expire at midnight, June 30, 2025. In order to receive authorization to discharge beyond the date of expiration, the permittee shall submit such information and forms as are required by the Indiana Department of Environmental Management no later than 180 days prior to the date of expiration.

Issued on _____ for the Indiana Department of Environmental Management.

Leigh Voss, Chief
Municipal NPDES Permits Section
Office of Water Quality

2. Minimum Narrative Limitations

At all times the discharge from any and all point sources specified within this permit shall not cause receiving waters:

- a. including waters within the mixing zone, to contain substances, materials, floating debris, oil, scum attributable to municipal, industrial, agricultural, and other land use practices, or other discharges that do any of the following:
 - (1) will settle to form putrescent or otherwise objectionable deposits;
 - (2) are in amounts sufficient to be unsightly or deleterious;
 - (3) produce color, visible oil sheen, odor, or other conditions in such degree as to create a nuisance;
 - (4) are in amounts sufficient to be acutely toxic to, or to otherwise severely injure or kill aquatic life, other animals, plants, or humans;
 - (5) are in concentrations or combinations that will cause or contribute to the growth of aquatic plants or algae to such a degree as to create a nuisance, be unsightly, or otherwise impair the designated uses.
- b. outside the mixing zone, to contain substances in concentrations that on the basis of available scientific data are believed to be sufficient to injure, be chronically toxic to, or be carcinogenic, mutagenic, or teratogenic to humans, animals, aquatic life, or plants.

3. Additional Discharge Limitations and Monitoring Requirements

Beginning on the effective date of the permit, the effluent from Outfall 001 shall be limited and monitored by the permittee as follows:

TABLE 3

Parameter	Quality or Concentration			Monitoring Requirements	
	Monthly Average	Daily Maximum	Units	Measurement Frequency	Sample Type
Aluminum [1]	----	Report	mg/l	Quarterly	24 Hr. Comp.
Chromium [1]	----	Report	mg/l	Quarterly	24 Hr. Comp.
Copper [1]	----	Report	mg/l	Quarterly	24 Hr. Comp.
Zinc [1]	----	Report	mg/l	Quarterly	24 Hr. Comp.

4. Additional Monitoring Requirements

Beginning on the effective date of this permit, the permittee shall conduct the following monitoring activities:

a. Influent Monitoring

In addition to the requirements contained in Part I.B.2 of the NPDES permit, the permittee shall monitor the influent to its wastewater treatment facility for the following pollutants. Samples shall be representative of the raw influent in accordance with 327 IAC 5-2-13(b).

TABLE 4

Parameter	Quality or Concentration			Monitoring Requirements	
	Monthly Average	Daily Maximum	Units	Measurement Frequency	Sample Type
Aluminum [1]	----	Report	mg/l	Quarterly	24 Hr. Comp.
Chromium [1]	----	Report	mg/l	Quarterly	24 Hr. Comp.
Copper [1]	----	Report	mg/l	Quarterly	24 Hr. Comp.
Zinc [1]	----	Report	mg/l	Quarterly	24 Hr. Comp.

NOTE: For measurement frequencies less than once per month, the permittee shall report the result from the monitoring period on the Discharge Monitoring Report (DMR) for the final month of the reporting timeframe, beginning with January of each year. For example, for quarterly monitoring, the permittee may conduct sampling within the month of January, February, or March. The result from this reporting timeframe shall be reported on the March DMR, regardless of which of the months within the quarter the sample was taken.

[1] The permittee shall measure and report this parameter as Total Recoverable Metal. Cyanide shall be reported as Free Cyanide or Cyanide Amenable to Chlorination. Concentrations less than the Limit of Quantitation (LOQ) and greater than or equal to the Limit of Detection (LOD) shall be reported by the permittee on the discharge monitoring report forms as the actual measured value. Concentrations less than the limit of detection shall be reported on the discharge monitoring report forms as less than the value of the limit of detection. For example, if a substance is not detected and the LOD is 0.1 mg/l, report the value as < 0.1 mg/l.

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C. REOPENING CLAUSES

In addition to the reopening clause provisions cited at 327 IAC 5-2-16, the following reopening clauses are incorporated into this permit:

1. This permit may be modified or, alternately, revoked and reissued after public notice and opportunity for hearing to incorporate effluent limitations reflecting the results of a wasteload allocation if the Department of Environmental Management determines that such effluent limitations are needed to assure that State Water Quality Standards are met in the receiving stream.
2. This permit may be modified due to a change in sludge disposal standards pursuant to Section 405(d) of the Clean Water Act, if the standards when promulgated contain different conditions, are otherwise more stringent, or control pollutants not addressed by this permit.
3. This permit may be modified, or, alternately, revoked and reissued, to comply with any applicable effluent limitation or standard issued or approved under section 301(b)(2)(C), (D) and (E), 304(b)(2), and 307(a)(2) of the Clean Water Act, if the effluent limitation or standard so issued or approved:
 - a. contains different conditions or is otherwise more stringent than any effluent limitation in the permit; or
 - b. controls any pollutant not limited in the permit.
4. This permit may be modified or, alternatively, revoked and reissued after public notice and opportunity for hearing to incorporate monitoring requirements and effluent limitations for aluminum, chromium, copper, and zinc if the Department of Environmental Management determines that such monitoring requirements and effluent limitations are needed to assure that State Water Quality standards are met in the receiving streams.
5. This permit may be modified, or alternately, revoked and reissued after public notice and opportunity for hearing to include Whole Effluent Toxicity (WET) limitations or to include limitations for specific toxicants if the results of the WET testing and/or the Toxicity Reduction Evaluation (TRE) study indicate that such limitations are necessary.
6. This permit may be modified, or alternately, revoked and reissued, after public notice and opportunity for hearing, to include a case-specific Method Detection Level (MDL). The permittee must demonstrate that such action is warranted in accordance with the procedure specified under Appendix B, 40 CFR Part 136, or approved by the Indiana Department of Environmental Management.

d. Reporting

- (1) Progress reports must be submitted every 90 days to the Compliance Data Section beginning six (6) months from the date of two (2) consecutive failed toxicity tests. Each TRE progress report must include a listing of proposed activities for the next quarter and a schedule to reduce toxicity in the effluent discharge to acceptable levels through control of the toxicant source or treatment of whole effluent.
- (2) Within 90 days of successfully completing the TRE, including the three (3) consecutive monthly tests required as part of the post-TRE toxicity testing requirements under Part I.D.2.c., the permittee must submit to the Compliance Data Section a final TRE Report that includes a discussion of the TRE results, along with the starting date established under Part I.D.2.c.(4). for the continuation of the toxicity testing required in Part I.D.1.

e. Compliance Date

The permittee must complete items a., b., c., and d. from Part I.D.2. and reduce toxicity in the effluent discharge to acceptable levels as soon as possible, but no later than three (3) years from the date that toxicity is initially demonstrated in two (2) consecutive toxicity tests (i.e. the date of the termination of the second test) as described in Part I.D.1.f.4.

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humans does not occur, the reporting requirements of 327 IAC 2-6.1 do not apply.

- a. Any unanticipated bypass which exceeds any effluent limitation in the permit;
- b. Any emergency incident which may pose a significant danger to human health or the environment. Reports under this item shall be made as soon as the permittee becomes aware of the incident by calling 317/233-7745 (888/233-7745 toll free in Indiana). This number should only be called when reporting these emergency events;
- c. Any upset (as defined in Part II.B.3 above) that exceeds any technology-based effluent limitations in the permit;
- d. Any release, including basement backups, from the sanitary sewer system (including satellite sewer systems operated or maintained by the permittee) not specifically authorized by this permit. Reporting of known releases from private laterals not caused by a problem in the sewer system owned or operated by the permittee is not required under Part II.C.3, however, documentation of such events must be maintained by the permittee and available for review by IDEM staff; or
- e. Any discharge from any outfall from which discharge is explicitly prohibited by this permit as well as any discharge from any other outfall or point not listed in this permit.

The permittee can make the oral reports by calling 317/232-8670 during regular business hours and asking for the Compliance Data Section, or by calling (317/233-7745) (888/233-7745 toll free in Indiana) during non-business hours. A written submission shall also be provided within five (5) days of the time the permittee becomes aware of the circumstances. The written submission shall contain: a description of the event and its cause; the period of occurrence, including exact dates and times, and, if the event has not concluded, the anticipated time it is expected to continue; and steps taken or planned to reduce, mitigate, and eliminate the event and steps taken or planned to prevent its recurrence. The Commissioner may waive the written report on a case-by-case basis if the oral report has been received within 24 hours. Alternatively, the permittee may submit a "Bypass Overflow/Incident Report" (State Form 48373) or a "Noncompliance Notification Report" (State Form 54215), whichever is appropriate to IDEM at wwreports@idem.IN.gov. If a complete submittal is sent within 24 hours of the time that the permittee became aware of the occurrence, then that report will satisfy both the oral and written reporting requirements.



**National Pollutant Discharge Elimination System
Briefing Memo for
Town of North Liberty Wastewater Treatment Plant
Draft: April 2023
Final: TBD**

Indiana Department of Environmental Management

100 North Senate Avenue
Indianapolis, Indiana 46204
(317) 232-8603
Toll Free (800) 451-6027
www.idem.IN.gov

Permittee:	Mr. Randy Lemert, Council President Town of North Liberty P.O. Box 515 North Liberty, Indiana 46554 574/656-4447 randylemert@gmail.com
Existing Permit Information:	Permit Number: IN0025801 Expiration Date: June 30, 2025
Facility Contact:	Lysle (Skip) Davidson, Jr., Certified Operator 574-656-3341 nlutility@yahoo.com
Facility Location:	201 Rizek Drive North Liberty, Indiana St. Joseph County
Receiving Stream:	Potato Creek
GLI/Non-GLI:	Non-GLI
Proposed Permit Action:	Modification
Date Application Received:	April 20, 2023
Facility Category:	NPDES Minor Municipal
Permit Writer:	Jay Hanko 317/233-0704 Jhanko@idem.IN.gov

Outfall Location

Latitude: 41° 32' 12" N
Longitude: 86° 26' 09" W

Background

This is the modification of the NPDES permit for the Town of North Liberty Wastewater Treatment Plant. The facility's current permit was effective on July 1, 2020 and has an expiration date of June 30, 2025. A request for permit modification was received from the permittee on April 20, 2023. The permittee requests a permit modification to remove the aluminum final effluent limits from the NPDES permit.

A Wasteload Allocation Analysis (WLA) and Reasonable Potential Evaluations (RPE) were performed by this Office's Permits Branch staff on January 13, 2020. These analyses were conducted specifically for aluminum using the 2018 EPA Aluminum criteria. The results of the revised WLA was a monthly average of 3.3 mg/l and a daily maximum of 6.6 mg/l, compared to the limits in the current NPDES permit which include a monthly average of 0.98 mg/l and a daily maximum of 1.97 mg/l. The RPE analysis showed there is not a reasonable potential to exceed a water quality criterion for aluminum. Therefore, the aluminum limits in the North Liberty NPDES permit can be removed.

Modification

The following changes have been made for the modification of the NPDES permit:

Page 1 of 59	This page has been modified to reflect the modification effective date for the permit.
Page 5 of 59	This page has been modified to remove the interim and final aluminum limits from Table 3. These have been replaced with a quarterly daily maximum report requirement.
Page 7 of 59	This page has been modified to remove footnote [2] which references the Schedule of Compliance for Aluminum in Part I.E. of the permit. Additionally, Table 4 has been modified by removing the interim and final influent reporting requirements and replaced with a quarterly daily maximum reporting requirement.
Page 13 of 59	This page has been modified to include aluminum in the reopening clause found in Part I.C.4.
Pages 24 & 25 of 59	These pages have been modified to remove the Schedule of Compliance for Aluminum in Part I.E.
Page 38 of 59	This page has been modified to remove the reporting requirement found in Part II.C.f. Additionally, Part II.C.d. and e. have been revised for grammar.

Expiration Date

The expiration date of the permit has not changed. The permit, as modified, will expire at midnight on June 30, 2025.

Permit Processing/Public Comment

Pursuant to IC 13-15-5-1, IDEM will publish the draft permit modification document online at <https://www.in.gov/idem/public-notices/>. Additional information on public participation can be found in the "Citizens' Guide to IDEM", available at <https://www.in.gov/idem/resources/citizens-guide-to-idem/>. A 30-day comment period is available to solicit input from interested parties, including the public.